



WESTERN.001C6

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Moore et al.
Appl. No. : 10/768,434
Filed : January 30, 2004
For : PULLER-THRUSTER
DOWNHOLE TOOL
Examiner : Dang, Hoang C.
Group Art Unit : 3672

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

July 7, 2005

(Date)

Sanjivpal S. Gill
Sanjivpal S. Gill, Reg. No. 42,578

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Terminal Disclaimer is submitted in response to an Office Action mailed on February 8, 2005. In the Office Action, the Examiner rejected Claims 176-211 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-93 of U.S. Patent No. 6,003,606 (the '606 patent), Claims 1-81 of U.S. Patent No. 6,286,592 (the '592 patent), Claims 1-75 of U.S. Patent No. 6,601,652 (the '652 patent), and Claims 1-14 of U.S. Patent No. 6,758,279 (the '279 patent).

Petitioner, WESTERN WELL TOOL, INC., a California corporation, certifies that it is the assignee and sole owner of the entire right, title, and interest in the patent application identified above by virtue of an assignment from the inventors. Petitioner also certifies that it is the assignee and sole owner of the entire right, title, and interest in the '606, '592, '652, and '279 patents by virtue of an assignment from the inventors. A copy of the assignment of the present application and the '606, '592, '652, and '279 patents is recorded at Reel 8207/Frame 0350.

In accordance with two earlier-filed terminal disclaimers, the terminal parts of the '592 and '652 patents extending beyond the expiration date of the full statutory term of the '606 patent

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were disclaimed. Those two terminal disclaimers can be found in the Patent Office files for Application Serial Nos. 09/213,952 and 09/919,669, respectively.

Pursuant to 37 C.F.R. § 1.321(b), Petitioner hereby disclaims the terminal part of any patent granted on the above-captioned application that would extend beyond the expiration date of the full statutory terms of the '606 and '279 patents or the terminally disclaimed terms of the '592 and '652 patents. Petitioner hereby agrees that a patent so granted on the above-captioned application will be enforceable only for and during such period that the legal title to the patent shall be the same as the legal title to the '606, '592, '652, and '279 patents. This agreement extends to the patent granted on the above-captioned application and will be binding on Petitioner's successors and assigns.

Petitioner does not disclaim any terminal part of a patent granted on the above-captioned application before the expiration of the full statutory terms of the '606 and '279 patents, in the event that either of such patents later: expires for failure to pay maintenance fees; is held unenforceable; is found invalid; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a); has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term.

Petitioner also does not disclaim any terminal part of a patent granted on the above-captioned application before the expiration of the terminally disclaimed terms of the '592 and '652 patents, in the event that either of such patents later: expires for failure to pay maintenance fees; is held unenforceable; is found invalid; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a); has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its terminally disclaimed term.

The undersigned representative verifies that he is authorized to take this action on behalf of the Petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 7/7/05

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